

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Currently Amended) A measuring device comprising:
  - a level adjuster adjusting means that receives an output signal output from a device under test, adjusts a level of the output signal, and outputs the resulting output signal;
  - a characteristic measurer measuring means that receives the output signal output from said level adjuster adjusting means, and measures a characteristic of the device under test; and
  - a level setter setting means that sets a degree of an adjustment of the level of the output signal by said level adjuster adjusting means so that a measurement error is minimum upon the measurement.
2. (Currently Amended) The measuring device according to claim 1, wherein the measurement error is caused by said characteristic measurer measuring means, and changes according to the level of the output signal supplied to said characteristic measurer measuring means.

3. (Currently Amended) The measuring device according to claim 1 or 2, comprising a measurement error calculator calculating means that calculates the measurement error based on a signal purity, a distortion that increases the measurement error as the level of the output signal increases, and a noise that decreases the measurement error as the level of the output signal increases.

4. (Original) The measuring device according to claim 3, wherein the distortion is determined based on the IP3 of the measuring device.

5. (Currently Amended) The measuring device according to claim 3, wherein the noise is determined based on a noise level determined based on a frequency of the signal measured by said characteristic measurer measuring means.

6. (Original) The measuring device according to claim 3, wherein the noise is determined based on a modulation bandwidth of the output signal.

7. (Original) The measuring device according to claim 3, wherein the signal purity is determined based on a modulation bandwidth of the output signal.

8. (Currently Amended) The measuring device according to claim 1 any ~~one of claims 1 to 7~~, wherein said level setter setting means discretely sets the degree of the adjustment of the level of the output signal such that said level

adjuster adjusting means can adjust the level of the output signal such that the measurement error is minimum within a range equal to or lower than the level of the output signal which minimizes the measurement error.

9. (Currently Amended) The measuring device according to claim 1 any one of claims 1 to 7, wherein:

said characteristic measurer measuring means comprises a digital processor processing means which carries out digital processing; and  
said level setter setting means sets the degree of the adjustment of the level of the output signal such that said level adjuster adjusting means can adjust the level of the output signal such that the measurement error is minimum in a range which can be processed by the digital processor processing means.

10. (Currently Amended) A measuring method comprising:

a level adjusting step of receiving an output signal output from a device under test, adjusting a level of the output signal, and outputting the resulting output signal;

a characteristic measuring step of receiving the resulting output signal output from said level adjusting step, and measuring a characteristic of the device under test; and

a level setting step of setting a degree of an adjustment of the level of the resulting output signal by said level adjusting step so that a measurement error is minimum upon the measurement.

11. (Currently Amended) A program of instructions for execution by the computer to perform a process of a measuring device having: a level adjuster adjusting means that receives an output signal output from a device under test, adjusts a level of the output signal, and outputs the resulting output signal; and a characteristic measurer measuring means that receives the output signal output from said level adjuster adjusting means, and measures a characteristic of the device under test; said process comprising:

~~a level setting step~~ of setting a degree of an adjustment of the level of the output signal by said level adjuster adjusting step so that a measurement error is minimum upon the measurement.

12. (Currently Amended) A computer-readable medium having a program of instructions for execution by the computer to perform a process of a measuring device having: a level adjuster adjusting means that receives an output signal output from a device under test, adjusts a level of the output signal, and outputs the resulting output signal; and a characteristic measurer measuring means that receives the output signal output from said level adjuster adjusting means, and measures a characteristic of the device under test; said process comprising:

~~a level setting step~~ of setting a degree of an adjustment of the level of the output signal by said level adjuster adjusting step so that a measurement error is minimum upon the measurement.